

REMARKS

The Examiner has rejected claims 5-7 and 12-14 as being allegedly anticipated under 35 USC 102(b) by Koyama, et al. Applicants are uncertain which of the three Koyama references listed on Form 1449 the Examiner has cited; Applicants assume that the reference is Dev. Biol. 208:375 (April 15, 1999), since the Examiner cites disclosure concerning chondrocyte maturation and endochondrial bone formation, which is the subject of this paper.

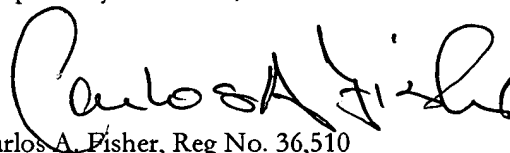
Applicants traverse this rejection for the following reasons.

In order to anticipate a claim a single prior art reference must contain each and every limitation of the claim in question within its four corners. The absence from such a reference of a single claim limitation therefore negates anticipation. See, e.g., *Kloster Speedsteel AB v. Crucible Inc.*, 230 USPQ 81 (Fed. Cir. 1986). Rarely, a claim limitation which is not expressly present in the claim can be held to be inherently present, but only if that limitation must necessarily result or be present from the disclosure of the prior art reference.

Koyama discloses that expression or inhibition of the RAR alpha, beta and gamma genes affect skeletogenesis in chick embryos. However, Koyama never discloses treatment of poor or retarded growth or ossification, spondyloepiphyseal dysplasia congenita, skeletal dysplasia, multiple epiphyseal dysplasia in a patient (i.e., a human). Further, Koyama does not disclose using a retinoid agonist as a therapeutic agent; Koyama is concerned with embryo research using retinoid antagonists.

For these reasons the Applicants respectfully request reconsideration and withdrawal of this rejection. Please use Deposit Account 01-0885 for the payment of the extension fee and any other fee due.

Respectfully submitted,



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